

SENATE JOURNAL

Forty-First Legislature—First Called Session.

FIRST DAY.

Senate Chamber,
Austin, Texas,

Monday, April 22, 1929.

The Senate met at 12 o'clock noon pursuant to the call of the Governor, and was called to order by Lieutenant Governor Barry Miller.

Temporary Officers Announced.

The Chair announced the appointment of the following temporary officers:

Secretary—Bob Barker.
Sergeant at Arms—A. W. Holt.
Journal Clerk—Wendell O'Neal.
Doorkeeper—Warren Freund.

Roll Call.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
Martin.	Wirtz.
Miller.	Witt.
Moore.	

Absent—Excused.

McFarlane. Parr.

Senators Excused.

On motion of Senator Woodward, Senator Parr was excused, for the day on account of important business and Senator McFarlane was excused for today and tomorrow on account of important business.

1—Jour.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

The Chair laid before the Senate the following proclamation by the Governor:

To all to whom these presents shall come:

Whereas, Economic and humanitarian considerations call for the enactment of laws providing for the concentration of the Prison System, and a public necessity exists for the enactment of such legislation, and

Whereas, The amendment adopted by the people of Texas at the last general election to Section 8 of Article VII of the Constitution of Texas has not been given effect by the enactment of laws pursuant thereto, and a necessity exists therefor, and

Whereas, The economic welfare of the State and the prompt disposition of its business in its several departments calls for the enactment of laws providing for a merit system for the selection of subordinate employees of the State government;

Now, Therefore, I, Dan Moody, Governor of the State of Texas do, by virtue of the authority vested in me by the Constitution of this State, hereby call a Special Session of the Forty-first Legislature to be convened in the City of Austin, commencing at twelve o'clock, noon, on Monday, the twenty-second day of April, A. D. 1929, for the following purposes:

1. To enact laws providing for the concentration of the Texas Prison System, and the improvement of said System along modern and scientific lines.

2. To enact laws carrying into effect the amendment to Section 8 of Article VII of the Constitution.

3. To provide a merit system for the selection of subordinate employees of the State Government.

4. To consider and act on such other subjects of public importance

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as the Executive may, from time to time during the session, submit by message or otherwise.

In Testimony Whereof I hereunto sign my name and cause to be impressed hereon the Seal of the State of Texas at Austin, this the 9th day of April, A. D. 1929.

(Seal.) DAN MOODY,
Governor of Texas.

By the Governor:
JANE Y. McCALLUM,
Secretary of State.

I, Jane Y. McCallum, Secretary of State of the State of Texas, do hereby certify that the foregoing is a true and correct copy of Proclamation issued by the Governor of the State of Texas on April 9, 1929, calling a Special Session of the Forty-first Legislature to convene in the City of Austin at twelve o'clock, noon, Monday the twenty-second day of April, A. D. 1929.

In Testimony Whereof, I have hereunto signed my name officially and caused to be impressed hereon, the Seal of the State at my office in the City of Austin, this 11th day of April, A. D., 1929.

(Seal) JANE Y. McCALLUM,
Secretary of State.

The proclamation was read.

At Ease.

On motion of Senator Woodward, the Senate stood at ease subject to the call of the Chair in order that the caucus report might be completed.

Committee from the House.

The Chair recognized the Doorkeeper who introduced a committee from the House who informed the Senate that the House was organized and ready for business.

Caucus Report.

The Chair recognized Senator Pollard who sent up the following report of the Senate Caucus to elect officers and employees for the First Called Session of the Forty-first Legislature:

Senate Chamber,
Austin, Texas, April 22, 1929.
Hon. Barry Miller, Lieutenant Governor:

A caucus was held in the office of the Senate attended by twenty-nine Senators elect and by unanimous vote of those present it was agreed that those Senators present holding proxies for those Senators absent could cast said proxies.

The purpose of the caucus was to determine the number and personnel of the Senate officers and employees for the ensuing First Called Session of the Forty-first Legislature. Senator Edgar Witt was elected Chairman of the caucus, and Senator Tomas G. Pollard was elected Secretary.

The following officers and employees were recommended as officers and employees of the Senate during the First Called Session of the Forty-first Legislature:

Secretary: Bob Barker.

Assistant Secretary: Morris Hankins.

Journal Clerk: Wendell O'Neal.

Assistant Journal Clerk: Mrs. Hugh Harris.

Second Assistant Journal Clerk: Miss Gladys Ash.

Sergeant-at-Arms: Albert Holt.

Assistants to Sergeant-at-Arms: Gordie Brown, Robert Lee McDougal, and Tom McClendon.

Sergeants-at-Arms for Gallery: Sam N. Russell and J. C. Adrain.

Night Sergeants-at-Arms: W. P. Midkiff and Boyd Ray, and Hugh Marshall.

Calendar Clerk: W. V. Howerton.

Assistant Calendar Clerks: Grace Jennings, Jaunita Wills.

Mailing Clerk: Mrs. Ann Polglass.

Assistant Mailing Clerks: Mrs. W. M. Roberts, Mrs. Estell R. Gardner, Mary Travis Root, W. A. Harper, Mrs. E. W. Price, Miss Francis Morgan, and Mrs. Pearl Key.

Librarian: Theodosia Bell.

Postmistress: Mrs. M. B. Brown.

Assistant Postmistress: Mrs. F. E. Sewell.

Chaplain: Rev. W. H. Doss.

Notary Clerk: William Connerly.

Assistant Notary Clerk: Barkley.

Second Assistant Notary Clerk: Bob Payne.

Messengers, two: Sam Tigner and A. W. Mitchell. (Each to receive \$2.50 per day.)

Telephone Operator: Miss Mary Jacobs.

Assistant Telephone Operator:
Miss Ardis Phillips.

Doorkeeper: Warren S. Freund.

Assistant Doorkeepers: Everett Boyd, Carey, Thompson A. P. Bagby, Jack Boyett, Eugene Digges, Jr., Walter Doughty, and A. W. Townsend.

General Custodian of the Senate:
C. K. Walters.

The Lieutenant Governor is authorized to appoint an elevator boy to serve at night and on Sunday, said elevator boy to receive \$4.00 per day.

It is recommended that the Sergeant-at-Arms, mailing clerk and telephone operator keep one person on duty Sunday and Sunday nights during the First Called Session of the Forty-first Legislature.

It is further recommended that the Chairman of the Enrolling and Engrossing Committees be authorized to employ Enrolling and Engrossing Clerks, and such assistants as necessary, and that their appointments be referred to the Senate for confirmation. And that the Enrolling and Engrossing Clerk shall receive \$10.00 per day for his service, and assistants \$5.00 per day.

It is further recommended that each Senator be permitted to name one stenographer, and that such employee act as clerk of each committee of which said Senator shall be Chairman, save and except that this does not apply to the Chairman of the Finance Committee and the Finance Committee.

It is further recommended that the President of the Senate have exclusive appointment of such number of pages and porters as in his judgment may be necessary.

It is further recommended that the compensation of officers and employees named, except as otherwise expressly provided, shall receive \$5.00 per day, except that the Secretary of the Senate, the Journal Clerk, Calendar Clerk, and the Sergeant-at-Arms shall receive \$10.00 per day, and the Assistant Calendar Clerks, Assistant Secretary and Assistant Journal Clerk shall receive \$7.50 per day, and except further that the pages shall receive \$3.00 per day, and porters shall receive \$3.00 per day each, the head porter

and porter carrying mail \$4.00 per day each.

It is further recommended that the Lieutenant Governor and Senators be authorized to use any of the employees needed for any other work in the Senate where their services may be required, in the judgment of the Lieutenant Governor.

It is further recommended that the Lieutenant Governor be permitted to select a Secretary at a salary of \$10.00 per day, and an Assistant Secretary at a salary of \$6.00 per day, and a personal messenger at a salary of \$4.00 per day.

It is further recommended that the Senators be given such time as they desire to name their personal appointments and that such appointments be made by handing the names of such appointees to the Secretary of the Senate.

It is further recommended that 2,700 daily Journals be printed and that the same be prorated among the Senators and the Lieutenant Governor, except that 300 shall be furnished the members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, such rental not to exceed \$4.00 per month per machine.

It is further recommended that Judge Sutton be elected attorney for the Senate at a salary of \$20.00 per day, and he be allowed a Secretary at \$5.00 per day.

It is further recommended that the Lieutenant Governor and each Senator be allowed the stationery and postage needed by them respectively, and be allowed expenses incurred in the transmitting and receiving of telephone messages and telegraph messages and expenses that may be actually necessary in the discharge of his official duty.

It is further recommended that the Chairman of the Finance Committee be authorized to appoint a Clerk to the Finance Committee and an Assistant Clerk, and that their salaries shall be the same as during the Regular Session of the Forty-first Legislature.

It is further recommended that each Senator and the Lieutenant Governor be permitted to subscribe

to five daily papers, to be paid for out of the contingent fund.

EDGAR WITT,

Chairman.

TOMAS G. POLLARD,

Secretary.

The report was read and adopted.

Officers Sworn In.

The officers and employees of the Senate were administered the oath of office by Lieutenant Governor Barry Miller.

Senator Stevenson Added to Committee.

Lieutenant Governor Barry Miller announced that Senator Stevenson was added to the Committee on State Affairs.

Election of President Pro Tempore.

The Chair announced that the time for the election of a President Pro Tem had arrived.

Senator Pollard nominated Senator Miller. The nomination was seconded by Senators Moore and Wirtz.

Senator Love nominated Senator Greer.

The Chair appointed Senators Pollard, Love, and Hyer to act as tellers. The tellers collected and counted the votes and announced the following results:

Senator Miller—22.

Senator Greer—6.

On motion of Senator Greer, the election of Senator Miller was made unanimous.

The Chair appointed Senators Greer, Pollard, and Williamson to escort Senator Miller to the platform where the Chair administered the oath of office.

The Chair introduced Senator Miller who briefly addressed the Senate.

Appointments Announced.

The Chair announced the following appointments:

T. L. Wheeler, Private Secretary to Lieutenant Governor.

Miss Lucille Crook, Assistant Secretary to Lieutenant Governor.

Chas. Pratt, Messenger to Lieutenant Governor.

Pages.

Mike Henderson, Page to Sergeant-at-Arms.

Herman Maddox, Page to Committee Clerk and Stenographers.

Elwood Brown, Page to Finance Committee.

General Pages.

Prentiss Burkett, Van Kirkpatrick, Erwin Eilers, M. A. Morgan, Milton Coffey, Jack Cowley, Ted Harper, Danny Thompson, Jack Corbit, Junius Hutton, Martin Wukash, Hewett Davis, Pete Campbell, Truett Wilbanks, Robt. E. Ledbetter, Cecil Tom Labinsky.

Porters.

Jim Jackson, Head Porter; Buck Green, Tom Burton, Sam Grant, Bozla Harris, Fred Rhambo, Charlie Jackson.

Chas. Weddington, Elevator Operator.

Committees Appointed.

Senator Stevenson moved that the Chair appoint a committee of five to notify the House and a committee of five to notify the Governor that the Senate was organized and ready for business. The Chair appointed the following:

To notify the House:

STEVENSON,
THOMASON,
DeBERRY,
SMALL,
HYER.

To notify the Governor:

NEAL,
WOODWARD,
WOODUL,
HOLBROOK,
BECK.

At Ease.

The Senate stood at ease until the notification Committees reported.

Committees Report.

The Committee appointed to notify the House that the organization of the Senate had been completed appeared at the bar of the Senate and Senator Stevenson announced that the Committee had performed its duty.

The Committee to notify the Governor that the Senate had completed its organization appeared at the bar of the Senate and announced that the Committee had performed its duty and that the Governor sent by his Private Secretary the following message:

MESSAGE FROM THE GOVERNOR.

Executive Office,
Austin, Texas, April 22, 1929.
To the Members of the Forty-first Legislature:

It is my desire to first submit for your consideration subjects under which I believe legislation may be passed that will improve departmental economy and efficiency. Therefore, the following subjects are respectfully submitted for your consideration:

(1) The enactment of laws providing for the concentration of the Texas Prison System, and the improvement of said System along modern and scientific lines.

(2) The enactment of laws with reference to the handling of prisoners confined in the State Penitentiary, including the adoption of an adequate parole law.

(3) The enactment of laws carrying into effect the amendment to Section 8 of Article VII of the Constitution.

(4) The enactment of laws to place the selection of subordinate employees of the State Government upon a merit basis.

(5) The enactment of statutes to abolish the terms of the several district courts of the State and to provide that such courts may hold sessions in any county of their several districts at any time to be determined by the judge of such court, and to otherwise simplify and reform the procedure in civil cases.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

The message was read.

Invitation to University.

The Chair laid before the Senate the following telegram:

(TELEGRAM.)

Austin, Texas, April 17, 1929.
Hon. Barry Miller, Lieutenant Governor, Dallas, Texas.

University of Texas invites you and through you entire membership of Texas State Senate to dinner at University Cafeteria on campus, 6:30 p. m., Tuesday, April 23. No appropriation talk. Want Senators to look at University and spend social hour before too deep in their labors to have good time. Similar invitation sent Speaker Barron and House of Representatives.

H. Y. BENEDICT, President,
H. J. L. STARK, Chairman,
Board of Regents.

The telegram was read.

The Chair introduced Miss Gyneth Stugard who extended an invitation to the Senate to visit the campus of the University of Texas, beginning at 3:00 o'clock p. m., Tuesday.

Miss Stugard introduced Miss Mary Wisdom who amplified the previous invitation.

The invitation was accepted by a unanimous vote.

Simple Resolution No. 1.

Senator Wirtz sent up the following resolution:

Be it Resolved by the Senate of Texas:

That the rules of the Senate adopted in the Regular Session of the Forty-first Legislature be and they are hereby adopted as the rules of the Special Session, with the following amendment and addition:

"11a. Appropriation bills regularly on the calendar on second reading shall take precedence over bills of every other character on the calendar on second reading, and appropriation bills on third reading shall take precedence over all other bills of other character on the calendar on third reading. No bill shall be taken up out of its regular order and set for special order except by vote of two-thirds of the Senate."

WIRTZ,
SMALL,
MILLER.

The resolution was read.

Senator Westbrook moved to refer the resolution to the Committee on Rules. The motion prevailed.

Appointments Announced.

Senator Witt sent up the following special report:

Senate Chamber,
Austin, Texas, April 23, 1929.
Hon. Barry Miller, President of the
Senate.

We, your Committee on Engrossed
and Enrolled Bills, acting under di-
rection of the Senate Caucus, have
appointed the following clerks and
assistants on Engrosed and Enrolled
Bills.

Chief Engrossing and Enrolling
Clerk: Carl Boes.

Assistant Engrossing Clerks: Miss
Mary Beth Taylor, Miss Alma Joe
Roberts, Miss Julia May Ritchie, Miss
Neva Harris, Mrs. Frank Coffey,
Mrs. Bessie Pearce.

Proof Readers: Mrs. H. Stone,
Hope Camp.

Assistant Enrolling Clerks: Mrs.
Sallie Logan Hughes, Miss Zella
Schultz, Miss Pauline Smith, Mr. Ed-
win Cowan.

Proof Readers: Mrs. Lola Law-
rence, George Butler.

Messengers: Fred Korth, Lloyd
Mann.

Filing Clerk: William Floyd.
Chief Engrossing and Enrolling Clerk
to receive \$10.00 per day; all others
to receive \$5.00 per day.

WESTBROOK,
Chairman, Committee on En-
grossed Bills.

WITT,
Chairman, Committee on Enrolled
Bills.

Adjournment.

Senator Hornsby moved that the
Senate recess until 2:30 o'clock
p. m.

Senator Woodward moved that
the Senate adjourn until 10:00
o'clock Tuesday morning.

The motion prevailed and at 1:20
o'clock p. m., the Senate adjourned.

SECOND DAY.

Senate Chamber,
Austin, Texas,
Tuesday, April 23, 1929.

The Senate met at 10 o'clock a.
m., pursuant to adjournment, and
was called to order by Lieutenant
Governor Barry Miller.

The roll was called, a quorum be-
ing present, the following Senators
answering to their names:

Beck.
Berkeley.
Cousins.
Cunningham.
DeBerry.
Gainer.
Greer.
Hardin.
Holbrook.
Hornsby.
Hyer.
Love.
Martin.
McFarlane.
Miller.

Moore.
Neal.
Parrish.
Patton.
Pollard.
Russek.
Small.
Stevenson.
Thomason.
Westbrook.
Williamson.
Wirtz.
Witt.
Woodul.
Woodward.

Absent—Excused.

Parr.

Prayer by the chaplain.

Pending the reading of the Jour-
nal of yesterday, the same was dis-
pensed with on motion of Senator
Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Hyer.

S. B. No. 1, A bill to be entitled
"An Act to provide for a system of
pardons and paroles, to create a
board to investigate and recom-
mend to the Governor prisoners who
should be pardoned or released on
parole or on furlough, to provide for
the supervision of prisoners re-
leased on parole, and making an ap-
propriation to pay the salaries and
defray the expenses of the board
and its employees, etc., and declar-
ing an emergency."

The bill was read first time and
referred to Committee on Civil Ju-
risprudence.

By Senator Holbrook, and others.

S. B. No. 2, A bill to be entitled
"An Act relating to the State Peni-
tentiary and the State Prison Sys-
tem; increasing the duties, powers
and functions of the Texas Prison
Board, etc., and declaring an emer-
gency."

The bill was read first time and
referred to Committee on Peniten-
tiaries.

By Senator Pollard.

S. B. No. 3, A bill to be entitled
"An Act making an appropriation of
the sum of One Hundred Thousand